UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

No. 7:13-CV-142-FL

SENIOR AIRMAN MATTHEW A. THEURER,)	
)	
Movant,)	
)	
v.)	ORDER
)	
DEPARTMENT OF DEFENSE,)	
)	
Respondent.)	
)	

This matter is before the Court on Respondent's motion to seal DE-9, an exhibit to its memorandum in support of its motion to dismiss. (DE-10).

When a district court considers a request to file material under seal, it must first give the public notice and a reasonable opportunity to challenge the sealing order. *In re Knight Publishing Co.*, 743 F.2d 231, 234-35 (4th Cir.1984) (holding that the district court erred in closing the courtroom and sealing courtroom documents in a criminal case without first giving the public notice and an opportunity to be heard); *see also In re Washington Post Co.*, 807 F.2d 383, 390 (4th Cir.1986); *Stone v. University of Maryland Medical System Corporation*, 855 F.2d 178, 181 (4th Cir.1988). That is, the Court must docket the motion to seal "reasonably in advance of their disposition so as to give the public and press an opportunity to intervene and present their objections to the court." *Knight Publishing Co.* at 234. The Court must also consider less drastic alternatives to sealing and, if it does enter a sealing order, it must provide "reasons for its decision to seal supported by specific findings, and the reasons for rejecting

alternatives to sealing in order to provide an adequate record for review." *Id.* In *Stone v. University of Maryland Medical System Corporation*, 855 F.2d 178, 181 (4th Cir. 1988), the Fourth Circuit extended application of the *Knight* requirements to civil cases.

The exhibit that Respondent requests to file under seal is the Declaration of the Special Agent charged with investigating Movant's alleged violations of the Uniform Code of Military Justice and federal criminal laws. This document includes details of the investigation and the evidence against Movant. Because of the confidential nature of this document, Respondent's motion to seal (DE-10) is GRANTED.

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Friday, September 9, 2013.

WILLIAM A. WEBB

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UNITED STATES MAGISTRATE JUDGE